

Remarks/Arguments

I. Status of the Claims

In the final Office action mailed on August 3, 2007, the Examiner indicates that claims 1-18 are pending, rejects claims 1-4, 6-14, and 16-17 (and, apparently, claim 18) under 35 U.S.C. 102(e), and rejects claims 5 and 15 under 35 U.S.C. 103(a).

Claims 8-10 are cancelled in this Amendment.

Claims 1-7 and 11-18 are pending for reconsideration.

II. Rejection of claims 1-4, 6-14, and 16-17 (and, apparently, claim 18) under 35 U.S.C. §102(e)

At pages 2-5, item 3 of the final Office action, claims 1-4, 6-14, and 16-17 (and, apparently, claim 18) are rejected under 35 U.S.C. §102(e) as being anticipated by Klemets et al. (U.S. Patent Application Publication No. US 2003/0236912 A1).

Independent claim 18 is not included in the statement of rejection on page 2 of the final Office action, but is discussed in the body of the 35 U.S.C. §102(e) rejection at page 5. Hence, the Applicants assume that this rejection also applies to independent claim 18. However, the Examiner is requested to clarify this issue for the record.

This rejection is moot with regard to claims 8-10, which are cancelled in this Amendment.

This rejection is respectfully traversed to the extent that it is maintained with regard to the still pending claims. A proper rejection under 35 U.S.C. §102 requires that the reference disclose each and every element of the invention as claimed. However, as discussed below, the Klemets et al. reference fails to disclose (or even suggest) the claimed invention.

For example, independent claim 18 is directed to a method for streaming a media file over a distributed information system to a **client computer by sequentially interacting with two different servers** -- the first being a **metadata server** and the second being a **streaming server**. See, for example, the discussion of the web client 102, the metadata server 104 and the delivery server 106 at pages 10-14 of the present application, with reference to FIG. 1.

Hence, the method for streaming a media file as recited in independent claim 18 requires the use of two distinct servers, i.e., the metadata server and the streaming server. In fact, independent claim 18 requires that a metafile returned to the client computer from the metadata server includes information identifying the streaming server to contact with a streaming protocol request. The claimed arrangement is entirely different than the interaction disclosed in the Klemets et al. reference, which merely occurs between a client and a media server. Moreover, the claimed arrangement is advantageous in several respects. For example, one metadata server may cooperate with multiple delivery servers in order to perform load balancing. See, for example, the discussion of this advantage at page 11, lines 4-7 of the present application. The Klemets et al. reference fails to disclose (or even suggest) a method for streaming a media file utilizing both a metadata server and a streaming server as recited in independent claim 18, and the advantages that flow therefrom.

More generally, all of the still pending independent claims (i.e., claims 1, 11 and 18) require that a request for a particular media file is received from a client computer, and a metafile is returned. In other words, the client computer requests a particular media file, but instead receives a metafile associated with the media file. Hence, in the case of each of independent claims 1, 11 and 18, a request for a media file is received but instead of returning the content of the resource requested (default HTTP behavior) or executing the resource and forwarding it's reply (Java Servlets, CGI scripts) – a metafile is returned. Nowhere in the Klemets et al. reference is such a substitution disclosed (or even suggested).

In the method for streaming a media file over a distributed information system as recited in independent claim 1, a download request for the actual media file is intercepted and reinterpreted into a request for receiving a corresponding metafile, which is returned to the client computer. The metafile contains information about the identification, location and format of the media file. Independent claim 11 also contains these limitations, but in the context of a computer-readable program stored on a computer-readable medium. Likewise, independent claim 18 also contains these limitations, but in the context of a method comprising steps defining the interaction among a client computer, a metadata server, and a streaming server. Neither the claimed interception/reinterpretation (i.e., a download request for the actual media file is intercepted and reinterpreted into a request for receiving a corresponding metafile) nor returning the claimed metafile (i.e., metadata containing information about the identification, location and format of the media file) is disclosed (or even suggested) in the Klemets et al. reference.

Instead, the Klemets et al. reference discloses the client 106 initially sends a real-time streaming protocol (RTSP) DESCRIBE request to the media server 104. Then, the media server 104 responds to the RTSP DESCRIBE request with a session description protocol (SDP) message. The SDP message includes a streaming media format file header and the content description list. See, Klemets et al., page 3, paragraph [0031]. In other words, the client 106 sends a description request (e.g., an RTSP DESCRIBE request) to the server 104 to describe the available content. See, Klemets et al., page 4, paragraph [0041]. The Klemets et al. reference further discloses the client 106 next sends a playback request (e.g., an RTSP SETUP request) for each stream that the client 106 has chosen. The client 106 may also send a RTSP PLAY request for each stream that has been chosen to initiate delivery of the chosen streams. Finally, in response to the playback request, the media server 104 sends the selected streams (e.g., via real-time transport protocol (RTP)) to the client 106. See, Klemets et al., pages 4-5, paragraph [0045].

Contrary to the Examiner's assertion in his "Response to Arguments" on pages 7-10 of the final Office action, the first communication session in the Klemets et al. reference (i.e., sending the RTSP DESCRIBE request and returning the SDP message) between the client and the media server does not correspond to the claimed steps of receiving a request for a particular media file from a client computer (which step itself comprises the steps of intercepting a download request for the actual media file, and reinterpreting the download request into a request for receiving a corresponding metafile) and returning a metafile (wherein the metafile contains information about the identification, location and format of that particular media file) back to the client computer. With regard to the claimed step of receiving a request for a particular media file, the RTSP DESCRIBE request disclosed in the Klemets et al. reference is clearly not

a request for a particular media file as independent claim 1 requires. More particularly in this regard, the RTSP DESCRIBE request does not involve the steps of intercepting a download request for the actual media file, and reinterpreting the download request into a request for receiving a corresponding metafile as independent claim 1 further requires. With regard to the claimed step of returning a metafile back to the client computer, the SDP message disclosed in the Klemets et al. reference may arguably contain metadata. However, the SDP message does not contain information about the identification, location and format of the media file as independent claim 1 also requires. The Klemets et al. reference is similarly deficient with respect to the corresponding limitations of independent claims 11 and 18. Moreover, the SDP message disclosed in the Klemets et al. reference does not contain information about the location of the media file as **information identifying a streaming server to contact** as independent claim 18 further requires.

Likewise, claims 2-4, 6-7, 12-14, and 16-17 depend, directly or indirectly, from independent claim 1 or 11, and set forth all of the limitations therein, plus additional limitations that are not disclosed (or even suggested) by the prior art. By such additional limitations, and for at least the reasons discussed above with respect to independent claims 1 and 11, the Applicants respectfully submit that these dependent claims also patentably define over the prior art.

Therefore, the Applicants respectfully request reconsideration and withdrawal of this rejection of claims 1-4, 6-7, 11-14, and 16-17 (and, apparently, claim 18) under 35 U.S.C. §102(e).

III. Rejection of claims 5 and 15 under 35 U.S.C. §103(a)

At pages 5-6, item 5 of the final Office action, claims 5 and 15 are rejected under 35 U.S.C. §103(a) as being unpatentable over Klemets et al. (U.S. Patent Application Publication No. US 2003/0236912 A1) over “knowledge possessed by a person of ordinary skill in the art”.

This rejection is respectfully traversed to the extent that it is repeated. As discussed below, the cited art fails to disclose or suggest the claimed invention.

Claims 5 and 15 depend, directly, from independent claim 1 and 11, respectively, and set forth all of the limitations therein. Accordingly, for at least the reasons discussed above with respect to independent claims 1 and 11, the Applicants respectfully submit that dependent claims 5 and 15 also patentably define over the prior art. The Examiner alleges (without objective evidence of a basis in fact for this allegation) the knowledge possessed by a person of ordinary skill in the art cures the deficiencies of the Klemets et al. reference with respect to the “checking predefined filter criteria determining of whether or not a metafile is to be returned instead of the requested media file” limitation of dependent claims 5 and 15. The Applicants do not agree -- the Examiner has not shown, for example, that the variation he suggests is within the skill level of a person of ordinary skill in the art, is a predictable variation, or has been used to improve similar devices in the same way.

In his “Response to Arguments” on pages 7-10 of the final Office action, the Examiner states, “applicant has not provided adequate information or argument so that *on its face* it creates reasonable doubt regarding the assertion of what is known in the art.” Here too, the Applicants do not agree. The Examiner has shown no objective evidence

that a person skilled in the art would have employed the claimed choice (i.e., whether or not a metafile is to be returned instead of a requested media file) in the first place, and further that such a person would have made this choice by “checking predetermined filter criteria”. The claimed choice is not disclosed in or suggested by the Klemets et al. reference. Nor does the Klemets et al. reference disclose or suggest making this choice on the claimed basis of “checking predetermined filter criteria”. Instead, the Examiner asserts that the “knowledge possessed by a person of ordinary skill in the art” cures these deficiencies. However, the Examiner has not provided any evidence that it was conventional in the art to provide the claimed choice or to make this choice on the claimed basis of “checking predetermined filter criteria”.

The reasoning articulated by the Examiner for the variation he suggests lacks sufficient rational underpinning to support the legal conclusion of obviousness. The suggestion for the variation he suggests can be found only from using the Applicants’ invention as a template through a hindsight reconstruction of Applicants’ claims.

Moreover, irrespective of the particular limitations set forth in claims 5 and 15, the knowledge possessed by a person of ordinary skill in the art fails to cure the above-discussed deficiencies of the Klemets et al. reference with respect to independent claims 1 and 11 (from which claims 5 and 15 depend, respectively).

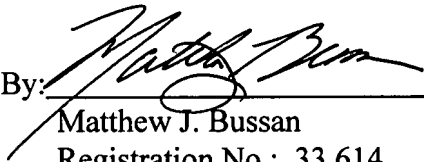
Therefore, the Applicants respectfully request reconsideration and withdrawal of this rejection of claims 5 and 15 under 35 U.S.C. §103(a).

IV. Conclusion

In view of the foregoing comments and amendments, the Applicants respectfully submit that all of the pending claims (i.e., claims 1-7 and 11-18) are in condition for allowance and that the application should be passed to issue.

If a conference would be of value in **expediting the prosecution of this application and avoiding the delay of an appeal process**, the Examiner is hereby encouraged to telephone the undersigned counsel at (847) 462-1937 to arrange for such a conference.

Respectfully submitted,

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